

03266.000100.1 (Formerly JJ-10 072-1-1US)

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JEFFREY KENT FREDENBURGH ET AL.

Application No.: 10/626,537

Filed: July 25, 2003

For: ODOR CONTROL AGENT

)
:
Examiner: D. Ware
)
:
Group Art Unit: 1651
)
:
)
:
)
:
October 29, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND PETITION FOR EXTENSION OF TIME

Sir:

A. Introductory Comments

I. Applicants petition to extend the time for response to the Office Action dated June 30, 2004 for one (1) month, from September 30, 2004 to October 30, 2004 (Saturday). A check in the amount of \$110.00 for payment of the extension fee is enclosed. Please charge any additional fee required for the extension, and credit any overpayment, to Deposit Account 06-1205.

II. This is in response to the Office Action dated June 30, 2004, the period for reply having been extended by the above petition and payment of the extension fee.

Please amend the application as follows and consider the following remarks.

Amendments to the specification appear on page 2. Amendments to the claims appear on pages 3 through 8. Remarks begin on page 9.

11/12/2004 GTRAMEL 00000003 061205 10626537

01 FC:1202

90.00 DA

11/02/2004 KBETEM1 00000000 10626537

01 FC:1251

110.00 DP

IFW
\$

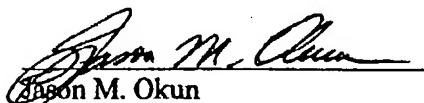
The cited documents fail to recognize the shortcomings associated with not adhering bacteria to the surface, such as requiring repeated application of bacteria to a surface upon subsequent exposure to odor-causing materials, and consequent limited duration of efficacy. Clearly, if there is no recognition of a problem, there could be no teaching or suggestion of a solution.

In conclusion, Applicants respectfully submit that the cited documents, whether considered separately or in any proper combination, do not disclose or suggest the elements presently claimed. In particular, there is no disclosure or suggestion regarding adhesion of the bacteria to a surface, which allows the bacteria to become active when exposed to the odor-causing material.

Applicants respectfully request that the outstanding objection and rejections be withdrawn and the present case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Jason M. Okun
Attorney for Applicants
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 455675v1